

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

PRISON LEGAL NEWS, a non-profit,  
Washington charitable corporation,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER, in his  
official capacity as Governor of the State of  
California and in his individual capacity;  
JAMES E. TILTON, in his official capacity as  
Secretary, California Department of  
Corrections and Rehabilitation (CDCR) and in  
his individual capacity; KINGSTON W.  
PRUNTY, JR., and STEVE KESSLER, in  
their official capacities as Undersecretaries of  
the CDCR and in their individual capacities;  
SCOTT KERNAN, in his official capacity as  
Chief Deputy Secretary, Division of Adult  
Operations (CDCR), and in his individual  
capacity; LEA ANN CHRONES, in her  
official capacity as Director of Adult  
Institutions (CDCR) and in her individual  
capacity, and; MARISELA MONTES, in her  
official capacity as the Chief Deputy Secretary,  
Division of Adult Programs (CDCR) and in her  
individual capacity.

Defendants.

Case No. Civ-07-02058 CW

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE AND DIRECTION TO THE  
CLERK NOT TO CLOSE THE CASE AS  
MODIFIED**

1 The Court has considered the Parties' Stipulation and Request for Dismissal, without  
2 Prejudice. The Court grants the Request for Dismissal without Prejudice and retains jurisdiction to  
3 enforce the Settlement Agreement between the Parties including, without limitation, disputes over  
4 Defendants' compliance with the terms of the Agreement and disputes over the amounts of  
5 attorneys' fees, costs and expenses to be paid to Plaintiff's attorneys. This dismissal is without  
6 prejudice for the sole reason to permit the Court's continued jurisdiction to enforce the Settlement  
7 Agreement. The parties have agreed that the terms of Paragraph 1 of the Settlement Agreement are  
8 enforceable only if a constitutional violation or violation of some other federal law is proved, and  
9 that in order to prevail in any lawsuit to enforce this Settlement Agreement, both a material  
10 violation of the Settlement Agreement must be proved in addition to a violation of the U.S.  
11 Constitution or other violation of law.

12 The deadline to file a motion for reasonable attorneys' fees, costs and expenses is the 45th  
13 day after entry of this dismissal without prejudice. Within 45 days after entry of this dismissal,  
14 plaintiff may file a motion for reasonable attorneys' fees, costs and expenses if the parties have not  
15 stipulated with respect to reasonable attorneys' fees, costs and expenses.

16 The Clerk of the Court is hereby instructed not to close this matter unless and until there is a  
17 further order by the Court so directing. **A Case Management Conference will be held on**  
18 **November 27, 2007, at 2:00 p.m., to determine whether the case can be closed subject to**  
19 **retention of jurisdiction for enforcement.**  
20

21 Dated: August 24, 2007

IT IS SO ORDERED.



Honorable Claudia Wilken  
United States District Court Judge